IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.24790 of 2008
UPENDRA SINGH
Versus
STATE OF BIHAR
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5. 25.8.08 Heard Mr. Suraj Prasad Sinha for the petitioner, and Mr. Jitendra Kumar Singh, learned A.P.P. The petitioner seeks bail in Lauriya P.S. Case No.143 of 2007, registered under sections 392 and 411 of the Indian Penal Code, as well as under sections 25(1-B)A, 26, 27, 35 of the Arms Act.

According to the allegations in the F.I.R., on 24.12.2007, the informant withdrew Rs.10,000/- from the State Bank of India, Lauriya Branch, and was returning alongwith his co-villager, Motilal Yadav, on two bicycles. When they reached between Bishupurwa and Kataiya, three miscreants came there on a motor-cycle and surrounded the informant and Motilal Yadav. It is further alleged that the miscreants snatched Rs. 10,000/- from the possession of the informant on the gun point and also opened fire. On alarm, neighbouring people chased the miscreants. Meanwhile the police party also reached there and the miscreants were caught red-handed, who

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disclosed their names including the petitioner. On search, two loaded country made pistols were recovered from the possession of co-accused, Malakh Choudhary and Mohan Raut, and Rs.10,000/- and a knife were recovered from the petitioner's possession.

Learned counsel for the petitioner submits that Rs.10,000/- was his own money, and there is no material on record to suggest that the informant had withdrawn Rs.10,000/- from the Bank. He also submits that he is in custody since 25.12.2007.

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Learned Additional Public Prosecutor submits that the application of a similarly circumstanced co-accused has been rejected by this Court by order dated 3.6.2008, passed in Cr. Misc. No. 21212 of 2008 (Mohan Raut Vrs. State of Bihar). Learned A.P.P. opposes the prayer for bail and submits that the accused persons were caught and arrested on the spot, and the petitioner was found in possession of a knife and Rs.10,000/-. He also submits that the petitioner as well as co-accused have criminal antecedents.

Learned A.P.P. submits that the

allegations have, inter alia, been levelled against the accused under section 392 of the Indian Penal Code wherein maximum punishment of 10 years is triable by the court of sessions.

Perused the materials on record and considered the submissions of learned counsel for the parties. Learned A.P.P. is right in his submission that the application of similarly circumstanced co-accused has been refused by this Court. In the facts and circumstances of this case, I am not inclined to release the petitioner on bail.

This application of bail is accordingly rejected with the aforesaid observations. In view of refusal of bail, let the trial be concluded expeditiously.

(S. K. Katriar.J.)

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